

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

OMB-01 OES-06 /077 W

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R 160955Z OCT 76

FM AMEMBASSY ABU DHABI

TO SECSTATE WASHDC 5056

INFO AMEMBASSY DOHA

AMEMBASSY JIDDA

AMEMBASSY KUWAIT

AMEMBASSY MANAMA

AMEMBASSY MUSCAT

C O N F I D E N T I A L SECTION 1 OF 2 ABU DHABI 2766

E.O. 11652: GDS

TAGS : PINT, TC

SUBJECT : NATIONAL ASSEMBLY APPROVES FIVE YEAR EXTENSION OF  
PROVISIONAL CONSTITUTION BUT ALSO CALLS FOR AMENDMENTS

REF: ABU DHABI 2715

SUMMARY: UAE NATIONAL ASSEMBLY OCTOBER 12, AFTER WHAT  
PRESS HAS BILLED AS STORMIEST DEBATE IN ITS FIVE YEAR  
HISTORY, APPROVED FIVE YEAR EXTENSION OF PROVISIONAL  
CONSTITUTION. AT SAME TIME ASSEMBLY EXPRESSED VIEW TO  
SUPREME COUNCIL THAT AMENDMENTS TO THIS CONSTITUTION  
WERE NECESSARY, SPECIFICALLY CITING NEED (A) TO MAKE  
EXPLICIT THE REQUIREMENT FOR UNIFICATION OF SECURITY  
AND MILITARY FORCES, (B) TO ESTABLISHED FIXED PERCENTAGE  
OF INCOME WHICH EACH EMIRATE TO CONTRIBUTE TO FEDERAL  
BUDGET, AND (C) TO LOOK INTO CANCELLATION OF RIGHT  
OF RULERS OF ABU DHABI OR DUBAI TO VETO ACTIONS APPROVED  
BY OTHERS. RESULT IS MIXED ONE, WITH IT DIFFICULT TO  
PROJECT EITHER CLEAR WINNERS OR LOSERS. END SUMMARY.

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1. UAE NATIONAL ASSEMBLY MET IN EXTRAORDINARY SESSION

OCT 12 FOR ALMOST FIVE HOURS TO CONSIDER SUPREME COUNCIL (SC) RECOMMENDATION THAT PROVISIONAL CONSTITUTION BE EXTENDED NOR ADDITIONAL FIVE YEARS BEYOND CURRENT EXPIRATION DATE OF DEC 2, 1976. SESSION DE-

SCRIBED IN LOCAL PRESS AS MOST ACrimonious IN ASSEMBLY'S FIVE YEAR HISTORY. WITH ALMOST ENTIRE PERFORMANCE

RERUN NEXT EVENING OVER LOCAL TELEVISION, THERE HAS BEEN AMPLE OPPORTUNITY TO WITNESS DISORDER AND CONFUSION WHICH PREVAILED (EMBASSY LOCAL CHARACTERIZED IT AS BEING "LIKE THE SOUK") AND SHARPNESS OF EXCHANGES, OFTEN ANYTHING BUT POLITE AND SOMETIMES COMING CLOSE TO BLOWS. ONLY POINT WHICH DREW UNANIMOUS SUPPORT WAS CAL FOR SHAIKH ZAYED TO STAY IN OFFICE. OTHERWISE

SESSION FROM BEGINNING SAW STRONG EXPRESSIONS OF TWO SHARPLY DIFFERING POSITIONS--THE ONE BY THOSE ADVOCATING NEW PERMANENT CONSTITUTION ASAP WHICH WOULD STRENGTHEN UNION AND POWERS OF PRESIDENCY, AND THE OTHER BY THOSE, LARGELY ARGUING ON BASIS THAT ASSEMBLY HAS NO RIGHT TO OVERRULE SC RECOMMENDATION, CLEARLY FAVORING CONTINUATION OF STATUS QUO AND RETENTION OF SUBSTANTIAL INDIVIDUAL EMIRATE AUTHORITY.

2. FIRST VIEW WAS PRESSED MOST VIGOROUSLY BY SOME SIX DEPUTIES FROM ABU DHABI AND UMM AL-QAIWAIN. THEY ARGUED THAT CONTINUATION OF PROVISIONAL CONSTITUTION FOR ADDITIONAL FIVE YEARS DID NOT REPRESENT VIEW OF PEOPLE. PRESENT DOCUMENT WAS NOT SUITABLE IN TERMS OF MOVE TOWARDS GREATER UNITY. IT HAD MOREOVER LOST ITS USE-

FULNESS IN THAT NUMBER OF ITS ARTICLES HAD BEEN CON-

TRADICTED BY ACTIONS OF SC OR ASSEMBLY ITSELF--

UNIFICATION OF ARMED FORCES WHICH RAN COUNTER TO AUTHORITY IN PROVISIONAL CONSTITUTION FOR EACH EMIRATE TO MAINTAIN ITS OWN MILITARY ESTABLISHMENT. ADVOCATES CONFIDENTIAL

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OF THIS POSITION POINTED OUT OTHER ARTICLES AND/OR GAPS IN PROVISIONAL CONSTITUTION WHERE CHANGE PARTICULARLY CALLED FOR, IN YOUNG ONES (A) TO DEFINE BUDGET CONTRIBUTIONS BY INDIVIDUAL EMIRATES TO FEDERAL TREASURY; (B) TO END DISPUTES AMONG EMIRATES OVER ISSUES SUCH AS INTERNAL BORDERS WHICH COMMON HERITAGE SHOULD PREVENT; (C) TO ESTABLISH FEDERAL AUTHORITY TO CONTROL, PLAN AND DIRECT PETROLEUM POLICY FOR

COUNTRY AS WHOLE, REFLECTING INTERNATIONAL POLITICAL IMPORTANCE OF THESE MATTERS; (D) TO ESTABLISH PLANNING ON NATIONAL LEVEL TO AVOID DUPLICATION OF EFFORT; (E) TO END RIGHT OF RULERS OF ABU DHABI OR DUBAI TO VETO COURSES OF ACTION ACCEPTED BY MAJORITY OF FIVE; AND (F) TO GIVE OFFICE OF PRESIDENCY FULLER POWERS. THOSE PUSHING THIS POSITION GENERALLY ARGUED FOR IMMEDIATE MOVE TO PERMANENT CONSTITUTION -- STATING THAT EXTENDING OUTDATED, INADEQUATE DOCUMENT EVEN FOR LIMITED PERIOD WAS WRONG.

3. WHEN IT CAME TO AUTHORITY AND ROLE OF ASSEMBLY IN THESE MATTERS, POSITION OF THIS GROUP WAS SOMEWHAT CONTRADICTORY. ON ONE HAND THEY WERE VEHEMENT IN INSISTING THAT ASSEMBLY HAD AUTHORITY TO ACT. THEY ASKED, "WHY ARE WE HERE, IF ALL WE ARE TO DO IS APPROVE SC RECOMMENDATION WITH NO RIGHT OF CONSIDERATION?" ON OTHER HAND THEY WERE DISPARAGING IN THEIR CRITICISM OF ASSEMBLY'S RECORD OF FRUITLESS DEBATE, LEADING THEM TO FOCUS ON NEED FOR NEW CONSTITUTION TO BE PRESENTED TO ASSEMBLY FOR APPROVAL RATHER THAN ON REVISIONS ORIGINATING IN ASSEMBLY ITSELF.

4. ON OTHER SIDE WERE THOSE--THE PARTICULARLY VOCAL ONES BEING FOUR DEPUTIES, TWO EACH FROM DUBAI AND RAS AL-KHAIMAH--ARGUING THAT SC RECOMMENDATION TO GRANT FIVE YEAR EXTENSION NOT ONLY SHOULD, BUT MUST BE APPROVED BY ASSEMBLY--THAT ASSEMBLY HAD NO RIGHT TO OVERRULE DECISION OF SEVEN RULERS. THEY ARGUED THERE WAS NO OPTION TO AMEND SC RECOMMENDATION--FOR EXAMPLE TO LIMIT EXTENSION TO TWO YEARS AS SOME SUGGESTED--AND THAT EVEN TO DISCUSS SUCH POSSIBILITIES AMOUNTED TO EXCEEDING CONSTITUTIONAL LIMITS. CONFIDENTIAL

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ALTHOUGH THIS WAS CENTRAL THRUST OF THIS GROUP'S POSITION THEY ALSO TO VARYING DEGREES DID DEFEND STATUS QUO ON ITS MERITS. THEY ACCUSED ONE OF ADVOCATES OF FIRST POSITION, FOR EXAMPLE, FOR BEING SPOKESMAN FOR SHAIKH ZAYED (WHICH BROUGHT ANGRY RESPONSE). ANOTHER OF SECOND GROUP SAID EXTENDING PROVISIONAL CONSTITUTION WAS ACTUALLY IN INTEREST OF UNITY, THAT IT WOULD MAINTAIN STABILITY AND THAT, IN FACT, TO REFUSE EXTENSION WAS TO TERMINATE UNION.

5. BETWEEN THESE TWO EXTREMES PRESENTED EARLY ON, "MODERATE POSITION" WAS THEN OFFERED, MOST STRONGLY ADVOCATED BY DEPUTY FROM FUJAIRAH, HAMAD ABU SHIHAD. WHILE ACKNOWLEDGING THAT MUCH IN PROVISIONAL CONSTITUTION WAS OUT OF DATE OR OTHERWISE NEEDED REVISION,

HE ARGUED THAT CORRECT COURSE WAS TO APPROVE SC  
RECOMMENDATION OF FIVE YEAR EXTENSION BUT AT SAME TIME  
CALL ON SC TO RECOMMEND NECESSARY CHANGES IN THAT DOCU-  
MENT SO THAT COUNTRY WOULD NOT SIMPLY FACE NEXT FIVE  
YEARS AT STATUS QUO. MAJORITY OF ASSEMBLY QUICKLY CO-  
ALESCE AROUND THIS GENERAL POSITION BUT QUESTION  
THEN BECAME EXACTLY HOW THIS CALL FOR AMENDMENTS WAS  
TO BE PHRASED, AND IT WAS OVER THIS QUESTION THAT AT  
LEAST HALF OF DEBATE WAS FOCUSED. INITIAL SUGGESTION  
WOULD HAVE SIMPLY HAD ASSEMBLY "OBSERVE THAT AMMEND-  
MENTS NEEDED", THIS CLEARLY COULD NOT COMMAND TWO-THIRDS  
MAJORITY REQUIRED. ALTERNATIVE THAT HAD ASSEMBLY "OBSERVE  
THAT EXTENSION OF PROVISIONAL CONSTITUTION MUST BE LINKED"  
TO AMENDMENTS WAS SEEN AS GOING TOO FAR IN TERMS OF IN-  
TERFERING WITH SC PREROGATIVES. FINAL FORMULATION THEN  
EVOLVED, WITH ASSEMBLY "OBSERVING THAT AMENDMENTS WERE  
REQUIRED" TO UPDATE THE DOCUMENT. AND THIS IN TURN WAS  
LINKED TO CITATION OF SPECIFIC AREAS WHERE THIS NEED  
EXISTED. IT WAS ONLY WHEN CAREFULLY PHRASED CALL ON SC

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C O N F I D E N T I A L FINAL SECTION OF 2 ABU DHABI 2766

"TO LOOK INTO CANCELLATION OF THE RIGHT OF VETO AS SET  
FORTH IN ARTICLE 49" (I.E., BY RASHED OR ZAYED) WAS

ADDED TO REFERENCES TO UNIFICATION OF ARMED FORCES AND FIXED BUDGET CONTRIBUTIONS THAT THIS FORMULA COMMANDED THE NECESSARY VOTES. BUT EVEN THEN THERE WAS QUESTION AS TO WHO WOULD BE RESPONSIBLE FOR DRAFTING AMMENDMENTS-- THE SC OR THE ASSEMBLY. THIS TOO WAS ULTIMATELY FINESSED WITH CALL ON SC TO "APPROVE IN PRINCIPAL" NEED FOR AMENDMENTS AND THEN REFERE MATTER BACK TO ASSEMBLY FOR ACTUAL DRAFTING. ON THIS BASIS RECOMMENDATIONS WAS APPROVED BY VOTE OF SOME 24 (COUNTING WAS CONFUSED ALONG WITH EVERYTHING ELSE) TO EIGHT. (ONLY 32 DEPUTIES OUT OF FORTY WERE PRESENT.) THE EIGHT OPPOSING VOTES INCLUDED THOSEFROM ABU DHABI AND UMM AL-QAIWAIN WHO HAD ADVOCATED THE MORE DRAMATIC CHANGE.

6. IN ADDITION TO DEBATE ITSELF, REACTION OF GOVERNMENT PRESS, I.E., ARABIC DAILY AL-ITTIHAD AND ENGLISH EMIRATES NEWS WAS ALSO INTERESTING. FORMER PAPER OCT 13 CARRIED TWO FRONT PAGE EDITORIALS HIGHLY CRITICAL OF ASSEMBLY ACTION WHILE LATTER HAD ONE OCT 14. THRUST WAS THAT CONFIDENTIAL

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FOR FIRST TIME ASSEMBLY HAD BEEN CALLED UPON FOR REAL ACTION--THAT SC ASKED ASSEMBLY FOR ITS VIEWS AND THAT IT HAD HAD RESPONSIBILITY TO UNION TO ACT--BUT INSTEAD ASSEMBLY HAD DUCKED ITS DUTY WITH CLEAR SIGNS THAT REGIONALISM AND PERSONAL POSITION BEING PUT AHEAD OF COUNTRY. WAS COUNTRY TO BE FACED BY FIVE MORE YEARS OF THE SAME? SHOULD SOMETHING BE DONE ABOUT PRESENT ASSEMBLY? EVEN STRAIGHT REPORTING OF DEBATE, WHILE COMPREHENSIVE, WOULD HARDLY BE TERMED OBJECTIVE; THOSE ADVOCATING STATUS QUO GOT VERY MUCH THE SHARP EDGE OF REPORTERS TONGUE.

7. COMMENT: QUESTION IS WHO WON OR LOST. ZAYED AND ABU DHABI FORCES OBVIOUSLY NOT HAPPY WITH AND, JUDGING BY STRENGTH OF PRESS REACTION, QUITE POSSIBLY EVEN SOMEWHAT SURPRISED BY RESULT. FOR RASHED, SAQR AND OTHERS RESISTING RAPID CHANGE, FIVE YEAR EXTENSION IS OBVIOUSLY WELCOME AND ISSUE OF AMENDMENTS IS ONE THAT CAN QUITE POSSIBLY BE FINESSED EITHER IN SC OR BACK IN ASSEMBLY ITSELF. ON OTHER HAND, ZAYED MUST HAVE WELCOMED THE NATURE AND EXTENT OF CRITICISM OF PRESENT SYSTEM. THERE WERE FEW INDEED WITH THE HEART STOUTLY TO DEFEND PRESENT CONSTITUTION IN ITS ENTIRETY. AND CERTAINLY TARGETS OF ATTACK AND THOSE TO BE AFFECTED BY CHANGES SUGGESTED WERE CLEAR TO ALL, EVEN IF NOT NAMED. GIVEN THIS PREVAILING SENTIMENT, IT WILL PRESUMABLY BE HARD FOR SC TOTALLY TO DUCK CALL FOR FURTHER CHANGES. FINAL INTERESTING WRINKLE IS POSSIBLE ROLE OF ASSEMBLY IN DRAFTING CHANGES. ON ONE HAND THIS COULD GIVE RULERS

FACE SAVING WAY OUT OF HAVING TO DEAL DIRECTLY WITH ISSUES, ON OTHER, IT MAY JUST BE AVENUE FOR INACTION IN VIEW OF DOUBTS RE ASSEMBLY'S ABILITY AGREE ON SUCH CHANGES.

8. OVERALL, RESULT WAS PROBABLY STANDOFF. DESPITE SHARP VIEWS EXPRESSED ON TWO EXTREMES, DECISION APPEARS TO BE TAKEN BY "CENTERISTS" ON BASIS OF GENUINE DOUBTS AS TO ACTUAL POWER AND RESPONSIBILITY OF ASSEMBLY. IN THEORY POWER FOR THAT BODY TO ACT IS THERE, BUT IN PRACTICE IT IS HARD TO BELIEVE RULERS FIVE YEARS AGO EVER INTENDED TO HAVE ASSEMBLY MEDDLE WITH THEIR CONFIDENTIAL

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DECISIONS. "STATES' RIGHTS" FORCES WERE ABLE TO TAP THIS SENTIMENT, BUT AT SAME TIME THEY COULD NOT KEEP DOWN STRONG VIEW THAT IT IS TIME FOR A CHANGE. END RESULT IS THAT BASIC ISSUES REMAIN WHERE THEY PROBABLY BELONG--WITH RULERS, TO BE FACED AT THEIR OCTOBER 16 MEETING AND ALMOST CERTAINLY THEREAFTER.

9. SUBSEQUENT DRAFTING ABOVE PRESS ANNOUNCED OCT 16 THAT SC SESSION SET FOR OCT 18 HAD BEEN POSTPONED UNTIL OCT 26 TO PERMIT TIME FOR "MORE DISCUSSIONS." AGAIN ACCORDING TO PRESS, REQUEST FOR POSTPONEMENT CAME FROM SHAIKH RASHED AND WAS AGREED TO AFTER FONMIN AHMED SUWEIDI VISJUTED EACH OF EMIRATES TO DISCUSS THE AGENDA OF THE MEETING. PRESS NOTED THERE WAS CONCERN EXPRESSED AT DELAY IN VIEW FACT THAT DEC 2, END OF SHAIKH ZAYED'S TERM, IS NOT NOW FAR AWAY. IN END, HOWEVER, POSTPONEMENT APPROVED ON BASIS THAT RESULTING CONSULTATIONS WERE NEEDED TO "DRAW OUT SOLID FEDERAL FOUNDATION." WHETHER EXTRA TIME WILL PRODUCE SUCH RESULTS REMAINS TO BE SEEN.  
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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONSTITUTION, CONSTITUTIONAL AMENDMENTS, CENTRAL LEGISLATURE, MEETING REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 OCT 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ellisoob  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976ABUDH02766  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760389-0373  
**From:** ABU DHABI  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761045/aaaabmnd.tel  
**Line Count:** 316  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 6  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 ABU DHABI 2715  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ellisoob  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16 JUN 2004 by buchant0>; APPROVED <14 OCT 2004 by ellisoob>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NATIONAL ASSEMBLY APPROVES FIVE YEAR EXTENSION OF PROVISIONAL CONSTITUTION BUT ALSO CALLS FOR AMENDMENTS  
**TAGS:** PINT, TC  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006